FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.356 OF 2005
IN
WRIT PETITION NO.4492 OF 1992

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Coram, : Court's or Judge's Orders

Mr. Girish Godbole for the applicants/petitioners.

Mr. P.M. Mengane for the respondents.

CORAM: SMT. RANJANA DESAI, J.

DATED: 22ND AUGUST, 2005.

P.C.:-

The applicants are the heirs of the original defendants in R.C.S. Suit No.412 of 1980 which was filed in the Court of Civil Judge, Junior Division, Solapur. Writ Petition No.4492 of 1992 arises out of the same suit. It is the case of the applicants that in the communal riots, the suit premises was gutted in fire and, therefore, they may be permitted to carry out the repairs/restoration of the suit premises admeasuring 5

feet x 9 feet, situated on the ground floor of the property bearing Municipal House No.365, East Mangalwar Peth, Solapur, corresponding to City Survey No.3318, entirely at their own costs.

I have heard the learned counsel appearing for the applicants/ petitioenrs and the learned counsel appearing for the respondents.

In the circumstances of the case, in my opinion, the following order should meet the ends of justice.

O R D E R

"The applicants/petitioners are permitted to carry out the repairs/restoration of the suit premises admeasuring 5 feet x 9 feet, situated on the ground floor of the property bearing Municipal House No.365, East Mangalwar Peth, Solapur, corresponding to City Survey No.3318, entirely at their own costs. The repair/restoration of the suit

premises would be subject to the final decision of the writ petition. The applicants/petitioners shall not claim any amount from the respondents for the repair/restoration of the suit premises.

Civil application is disposed of."

(SMT. RANJANA DESAI, J.)